

Court No. 1

Civil Misc. Writ Petition No. 2628 (S/S) of 2001
(Old No. 2512 of 1993)

Purna Nand Bhatt Petitioner.

Versus

Additional District Magistrate
(Development), Uttarkashi, and
Two others, ...Respondents.

Hon'ble P.C.Verma, J.

This writ petition has been filed by the petitioner challenging the order dated 23rd October, 1992, by which the services of the petitioner were terminated. The petitioner remained absent from duty for a long period and despite several notices/ reminders, he did not resume his duties. Total period of absence from duty is not indicated in the impugned termination order in order to comply the provision of Fundamental Rule 18, However, Fundamental Rule 18 has been amended by the Government. Even in case of continued absence for the specified period in the aforesaid Rule an opportunity has to be given if the employee is regular one. In the present case, it has been stated in the writ petition that the petitioner is regular employee and was made permanent. Therefore, before passing the termination order an inquiry ought to have been held and opportunity ought to have been given to the petitioner. The order has been passed without offording any opportunity to the petitioner and without holding any inquiry in to the matter.

Thus the order impugned cannot be sustained in the eye of law and deserves to be quashed. Therefore, a writ of certiorari is issued quashing the order dated 23rd October, 1992, passed by respondent No. 2. The petitioner shall be allowed to resume duties but he shall be paid only half of the wages.

With the above observation, the writ petition is disposed of finally.

(P.C. Verma, J.)

06.08.2001
P.Singh